

FISCAL NOTE
SB 2215 - HB 2603

January 31, 2000

SUMMARY OF BILL: Establishes liability for any property owner or other person that interferes with the natural flow of surface water leading to an unsafe condition, nuisance, or physical harm to real or personal property, whether it is private or public. Allows the county highway department or county planning commission, subject to approval of the county commission, to bring action for any violation upon petition by a real property owner. Authorizes the county to seek any of the remedies of the Safe Dams Act, which includes injunctions, civil penalties and damages and actions for civil penalties or injunctions. Damages that may be recovered in addition to damages collected by law include reasonable cost for engineering, labor, materials, and use of equipment in repairs or restorations of the real property. Provides authority to the Commissioner of Environment and Conservation to remedy any violations of the bill.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$273,000 Recurring
\$29,500 One-time

Increase Local Govt. Expenditures - Not Significant

Estimate assumes:

- an increase in expenditures to the Department of Environment and Conservation for seven positions and related expenses and equipment to carry out investigations and enforcement of this bill
- the Department will receive a significant number of complaints to investigate.
- that local governments are currently handling most such complaints unless water contamination is an issue.

Based on input from counties, this bill would not significantly increase cost even though additional enforcement authority would be provided for local governments.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

SB 2215 - HB 2603